

EXHIBIT 4

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

ABRIELLE LONDO (RECTOR),)
)
Plaintiff,) Case No. 2:20-cv-53-PLM-MV
)
vs.) U.S. District Judge:
) Hon. Paul L. Maloney
ENRIGHT FAMILY RESTAURANTS,)
and STEVE WHELAN,) U.S. Magistrate Judge:
) Hon. Maarten Vermaat
Defendants.)
_____)

DEPOSITION OF ABRIELLE LONDO (RECTOR)

Taken on the part of the Defendants, at the offices of
Numinen, DeForge & Toutant, P.C., 105 Meeske Avenue,
Marquette, Michigan, on Monday, May 24, 2021, at about
11:03 a.m.

APPEARANCES:

For the Plaintiff: Sandra Hanshaw Burink (P68619)
Hanshaw Burink PLC
501 Hillside Drive
Marquette, MI 49855-5040
(906)273-1551
shburink@hb-lawoffices.com

For the Defendants: Phillip B. Toutant (P72992)
Numinen, DeForge & Toutant, P.C.
105 Meeske Avenue
Marquette, MI 49855
(906)226-2580

Also in attendance: Steve Whelan

Reported by: Sandra A. Larson, CSR-2916, RMR
NORTHERN REPORTERS
P.O. Box 27
Marquette, Michigan 49855
(906)226-2706
northernreporters@yahoo.com

1 Q So in other words, you didn't have an employment
2 contract; correct?

3 A Correct.

4 Q Do you have your W-2s from any other years --

5 A I would have to look.

6 Q -- with Enright?

7 A I would have to look.

8 Q Okay. I have some medical authorizations and a general
9 authorization. Would you sign this right here?

10 MS. BURINK: Do it through a discovery
11 request.

12 MR. TOUTANT: I am making a discovery request
13 right now.

14 MS. BURINK: A written request.

15 BY MR. TOUTANT:

16 Q So you are refusing to sign an authorization to release
17 your health care records?

18 A Yes.

19 MS. BURINK: Hold on. I am going to object
20 to you handing that to her during a deposition. I
21 think that needs to be provided through a discovery
22 request, not through a deposition. This isn't any sort
23 of deposition duces tecum, anything like that. I don't
24 know what authority you have to have her sign it right
25 now.

1 MR. TOUTANT: So, for the record, you are
2 advising your client not to sign this medical
3 authorization?

4 MS. BURINK: I am advising my client to wait
5 until we get a written discovery request for that.

6 MR. TOUTANT: You have already been served
7 with one, actually.

8 MS. BURINK: Okay. Let me look at them. I
9 am not going to withhold anything from you.

10 MR. TOUTANT: You are withholding from me
11 right now by you not agreeing to allow her records
12 to --

13 MS. BURINK: Okay. We will let the court
14 sort that out, Phil.

15 MR. TOUTANT: Would you like to look at that?
16 You just said you would like to look at it. I would
17 like to get this authorization signed so I can get
18 these records.

19 MS. BURINK: Okay. Well, would you like to
20 make a written request for those?

21 MR. TOUTANT: I already have.

22 MS. BURINK: Then if I have got those written
23 requests, Phil, I will provide them to you within the
24 timeline.

25 MR. TOUTANT: I don't have them. I made a

1 written request with my first requests.

2 MS. BURINK: Well, you made a written
3 request, but nothing was included with them.

4 MR. TOUTANT: Well, they are included now,
5 and you have had more than 30 days.

6 MS. BURINK: Okay. Well, then we will take a
7 look at them, and I will have them signed for you.
8 Okay?

9 MR. TOUTANT: Okay. We will go off the
10 record and let you do that.

11 MS. BURINK: I am not going to have my client
12 sign them right now, Phil.

13 MR. TOUTANT: This is delaying discovery in
14 this case inappropriately.

15 MS. BURINK: Phil, I am not refusing okay? I
16 don't understand what the big deal is here.

17 MR. TOUTANT: So will you please have your
18 client sign and return the authorizations to me during
19 this deposition?

20 MS. BURINK: I am going to have my client
21 sign and return any authorizations in accordance with
22 the written discovery that you have provided to me.
23 So, yes, I will.

24 MR. TOUTANT: Why can't you have her do it
25 right now?

1 MS. BURINK: Because I am telling you, I need
2 to review it with her, and if you have already have
3 sent these to me through a written discovery, then it
4 shouldn't be an issue.

5 MR. TOUTANT: Well, it is an issue because we
6 have a limited time.

7 MS. BURINK: Okay. I am not going to provide
8 them to you during this deposition. What would you
9 like me to do? Are you going to stop the deposition,
10 or would you like to carry on?

11 MR. TOUTANT: Well, I think it is
12 inappropriate that you are not signing them, because
13 you and I both know that the material that would be
14 released with those authorizations is relevant --

15 MS. BURINK: Okay.

16 MR. TOUTANT: -- to the subject matter of
17 this case, which your client has brought against my
18 client. My client didn't get sued by his own decision.
19 Your client chose to sue him. And as a result, I have
20 a right to see her medical records.

21 MS. BURINK: My --

22 MR. TOUTANT: I am asking that that
23 authorization be signed. We have a limited period for
24 discovery. I am not sure when I would be able to get
25 that from you. Discovery closes in a matter of months,

1 and I don't know how long it will take for her
2 providers to provide me with the information that I
3 need.

4 So rather than delaying the process of
5 discovery, I would respectfully ask that you have your
6 client sign that authorization and provide it to me.
7 And I am willing to give you some time to review the
8 three pages of standard medical authorizations right
9 now, to allow you to do that.

10 MS. BURINK: Thank you, Phil, for that. I
11 really appreciate that. However, as I stated on the
12 record before, we are going to go ahead and fill these
13 out in accordance with your written discovery requests.
14 They will be provided with her responses to the written
15 discovery. So I am not withholding discovery. There
16 is plenty of time. We are not up against any
17 deadlines. There is no problem with that. This is
18 typically not given during a deposition.

19 MR. TOUTANT: I would disagree with that.

20 MS. BURINK: Okay. Well, in my 15 years, I
21 have not had an authorization handed to me during a
22 deposition.

23 MR. TOUTANT: Well, I am not asking you to
24 authorize the release of your records.

25 MS. BURINK: For my client to authorize,

1 Phil.

2 MR. TOUTANT: Oh, well, all right. Well, let
3 me take just a brief break, and then I am going to have
4 some additional questions so --

5 MS. BURINK: Sure, okay.

6 MR. TOUTANT: Give me one moment. I will be
7 back in probably ten minutes or so.

8 THE REPORTER: So we are off the record?

9 MR. TOUTANT: May we go off the record?

10 MS. BURINK: Sure.

11 (Discussion off the record.)

12 MR. TOUTANT: All right. Well, I took a
13 moment to discuss the matter with my client, and I --
14 with the exception of the materials that we have
15 discussed, that you haven't provided to your attorney,
16 which I reserve the right to continue this examination
17 about at some point in the future if necessary, I am
18 going to have no more questions for today.

19 MS. BURINK: And I don't have any questions
20 for you at this point. Thank you.

21 * * * * *

22 (The deposition concluded at about 2:17 p.m.)

23

24

25